



Walla Walla County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only

Received: **NOV 02 2012**

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Reviewed by: _____
Date Reviewed: _____

Applicant: Nelson-Strothers

Application Number: WALL-11-09

This record of decision was made by a majority of the board at an open public meeting of the Walla Walla County Water Conservancy Board held on 10/3/12. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

X Approval: The Walla Walla County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on 10/3/12 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Walla Walla County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

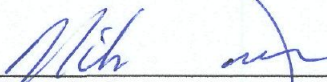
Signed:



Alan Kottwitz, Chair
Walla Walla County Water Conservancy Board

Date: 10/3/12


Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>



Mike Dobbins, Member
Walla Walla County Water Conservancy Board

Date: 10/03/12

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>



Brian Worden, Member
Walla Walla County Water Conservancy Board

Date: 10/3/12

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Drex Gauntt, Alternate
Walla Walla County Water Conservancy Board

Date: _____

Approve	<input type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____

Approve	<input type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on

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WALLA WALLA COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

RECEIVED

NOV 02 2012

Report of Examination

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

☐ Surface Water ☒ Ground Water

DATE APPLICATION RECEIVED November 2, 2011	WATER RIGHT DOCUMENT NUMBER GW Cert. No. 4232-A(B)	WATER RIGHT PRIORITY DATE January 15, 1962	BOARD-ASSIGNED CHANGE APPLICATION NUMBER WALL-11-09
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NAME
MONICA L. NELSON & RHONDA L. STROTHER

ADDRESS (STREET) (CITY) (STATE) (ZIP CODE)
167 Rawhide Lane Walla Walla Washington 99362

Changes Proposed: ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal
☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	35.7	16.3	35.7 gallons per minute, 16.3 acre-feet per year, for the seasonal irrigation of 4.07 acres.				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
A well (gravel aquifer)							
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
350726523140			26	7	35 E.	32	Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Lucarelli 1 st Subdivision Lot Nos. 1-6: Beginning at the Northeast corner of Block 30 in Blalock Orchards according to the official plat thereof of record in the office of the Auditor of Walla Walla County, Washington; thence Southerly along the east line of said Block 30 a distance of 257.17 feet; thence westerly parallel to the north line of said Block 30 a distance of 686.29 feet; thence northerly to a point in the north line of said Block 30, said point being 688.23 feet westerly of the Northeast corner thereof; thence easterly along said North line 688.23 feet to the point of beginning.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE		
Various			26	7	35 E.		

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	35.7	16.3	35.7 gallons per minute, 16.3 acre-feet per year, for the seasonal irrigation of 4.07 acres.				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
A well (gravel aquifer)							
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
340736520006	SW	SW	36	7	34 E.	32	Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
Lot 6 of Miller Butte Estates recorded in Roll File 6 of Plats at Page C-2, under Auditor's File No. 0005142 in Walla Walla County, Washington.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE		
340736520006	SW	SW	36	7	34 E.		

Board’s Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 35.7	MAXIMUM ACRE-FT/YR 16.3	TYPE OF USE, PERIOD OF USE 35.7 gallons per minute, 16.3 acre-feet per year, for the seasonal irrigation of 4.07 acres.				
SOURCE A well (gravel aquifer)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 340736520006	¼ SW	¼ SW	SECTION 36	TOWNSHIP N. 7	RANGE 34 E.	WRIA 32	COUNTY. Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
Lot 6 of Miller Butte Estates recorded in Roll File 6 of Plats at Page C-2, under Auditor’s File No. 0005142 in Walla Walla County, Washington.							
PARCEL NO. 340736520006	¼ SW	¼ SW	SECTION 36	TOWNSHIP N. 7	RANGE, 34 E.		

DESCRIPTION OF PROPOSED WORKS

Well (alluvial aquifer), pump, mainline, handline sprinklers and drip irrigation system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:
October 1, 2013

COMPLETE PROJECT BY THIS DATE:
October 1, 2014

COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
October 1, 2015

REPORT

BACKGROUND

On November 2, 2011, Rhonda L. Nelson & Monica L. Strother of Walla Walla, Washington filed an application for change with the Walla Walla County Water Conservancy Board ("Board") to change the place of use and point of withdrawal under Ground Water Certificate No. 4232-A(B) {"Cert. 4232-A(B)"}. The application was accepted at an open public meeting of the Board on November 2, 2011, and the Board assigned the application number WALL-11-09.

Attributes of the water right as currently documented

Name on certificate, claim, permit:	Peter Lucarelli
Water right document number:	Ground Water Certificate No. 4232-A(B)
As modified by certificate of change number:	N/A
Priority date, first use:	January 15, 1963
Water quantities:	Qi: 35.7 gpm Qa: 16.3 acre ft./ year
Source:	A well (alluvial aquifer)
Point of diversion/withdrawal:	Sec. 26, T 7 N., R. 33 E.W.M.
Purpose of use:	Irrigation of 4.07 acres
Period of use:	Irrigation season
Place of use:	

Lucarelli 1st Subdivision Lot Nos. 1-6: Beginning at the Northeast corner of Block 30 in Blalock Orchards according to the official plat thereof of record in the office of the Auditor of Walla Walla County, Washington: thence Southerly along the east line of said Block 30 a distance of 257.17 feet; thence Westerly parallel to the north line of said Block 30 a distance of 686.29 feet; thence Northerly to a point in the north line of said Block 30, said point being 688.23 feet Westerly of the Northeast corner thereof; thence Easterly along said North line 688.23 feet to the point of beginning.

Existing provisions:

"All conditions and requirements contained in reports of examination or permits previously issued apply to this superseding certificate unless specifically noted below."

"This superseding certificate is the result of the administrative division of Ground Water Certificate No. 4232-A into Ground Water Certificate Nos. 4232-A(A), 4232-A(B), 4232-A(C), and 4232-A(D), and shall not be construed as validation as to the extent of Ground Water Certificate No. 4232-A as originally authorized. The amounts provided on the superseding portions of this water right reflect agreement among the owners of the described place of use, but are not confirmed by Ecology in the recording of the division of said right. The actual amounts authorized by the superseding certificates are subject to the historic beneficial use of water under Ground Water Certificate No. 4232-A."

"The total annual withdrawal under all portion of the right [4232-A(A), 4232-A(B), 4232-A(C), and 4232-A(D)] shall not exceed 80 acre-feet per year, less any amount diverted to these same lands from the Blalock Irrigation District."

"The right to use of the water aforesaid hereby confirmed is restricted to the lands of place of use herein described, except as provided in RCW 90.03.380, 90.03.390. and 90.44.100."

"This superseding certificate of water right is specifically subject to relinquishment for non-use of water as provided in Chapter 90.14 RCW."

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

The subject water right, Cert. No. 4232-A, was first put to use in 1962. The land authorized as the place of use for Cert. No. 4232-A is also included within the place of use of Blalock Irrigation District No. 3, which supplies patrons with irrigation water through a system of pipes and ditches. Water for irrigation of the subject 4.07 acres has historically come exclusively from the well authorized under Cert. No. 4232-A(B).

Available information suggests the subject lands have been irrigated more or less continuously since Cert. No. 4232-A first issued. Cropping records were not reported to the United States Department of Agriculture (USDA) Farm Service Agency, so interviews with farmers who cropped the subject acres, and analysis of aerial photos, were used to confirm the acres irrigated and crops grown. This information shows that a variety of crops have been grown on the subject acres, including spinach, onions, cucumbers, and most recently (2006), turf production. The aerial photos show a total area of 4.07 acres being irrigated

during this time. Subsequently, in 2007, the land was sold, divided into 6 lots, and developed for housing. At this time access to the authorized irrigation well and any access to the Blalock Irrigation District were severed. The water right represented by Cert. No. 4232-A(B) was specifically withheld from the property at the time of sale to the developer, Bryan Roff. The 6 homes that now existing on the place of use of Cert. No. 4232-A(B) obtain water for domestic supply and residential irrigation from Consolidation Irrigation District No. 14.

Previous changes

There have been no previous changes perfected on this water right.

SEPA

The board has reviewed the proposed project in its entirety. The board has reviewed the proposed project in its entirety. A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions it is categorically exempt from SEPA and a threshold determination is not required.

Statutory Requirements/Authorities for Proposed Change

The following is a list of pertinent Washington State Statute and Case Law requirements that must be considered prior to authorizing the proposed change in place of use and point of withdrawal:

RCW 90.03.380(1) states that a water right which has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

The Washington Supreme Court has held that when processing an application for change to a water right, a tentative determination of extent and validity of the claim or right is required. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp*.

RCW 90.44.100 allows amendment of a ground water right to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

- The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a).
- Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b).
- Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c).
- Other existing rights shall not be impaired. RCW 90.44.100(2)(d)

When changing or adding points of withdrawal to groundwater rights, the wells must withdraw from the same body of public groundwater (RCW 90.44.100). Indicators that wells tap the same body of public groundwater include:

- a. Hydraulic connectivity
- b. Common recharge (catchment) area
- c. Common flow regime
- d. Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow (same aquifer)

Other

Ground Water Certificate No. 4232-A was subject to an Administrative Division process which was completed in June 2007. This division process resulted in the original certificate being divided into four separate certificates, of which the subject water right of this application Cert. No. 4232-A(B), is one.

The quantities of water authorized for beneficial use under Cert. No. 4232-A(B) were proposed for placement in the Walla Walla Watershed Management Partnership Water Bank on August 27, 2010. The Partnership Board accepted this right into the Bank on September 6, 2010. Placement of a water right into the Partnership Water Bank, which was established in 2009 under Chapter 90.92 RCW, does not change the past or future validity of the water right; banked water will experience a "tolling of the relinquishment clock" for the period of time the water right remains in the bank. This particular right was placed into the bank for

a term ending on June 30, 2019. Should this change be approved, the Banking Agreement would be terminated and the right would be available for use at the proposed new place of use.

The information or conclusions in this section were authored and/or developed by Bill Neve of Water Right Solutions.

COMMENT AND PROTESTS

Public notice of the application was given in the Waitsburg Times on July 19th and 26th of July, 2012. The 30-day protest period ended on August 27th, 2012.

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Other

N/A

The information or conclusions in this section were authored and/or developed by Bill Neve of Water Right Solutions.

INVESTIGATION

The following are some of the primary sources of information obtained and utilized in this investigation:

- A site inspection conducted by Mike Dobbins, WW Water Conservancy Board Member on April 4, 2012.
- Water right files for Cert. No. 4232-A
- Technical reports
- U.S. Geological Survey topographic maps
- Aerial photos
- Walla Walla /College Place Coordinated Water System Plan (1994)
- Department of Ecology's Water Right Tracking System (WRTS) database
- Review of applicable laws, site visits, rules and policies
- Water well construction logs
- Conversations with the applicant/farmers and/or other interested parties

Proposed project plans and specifications

The proposed project involves drilling an irrigation well at the new place of use, and using water from that well to irrigate a combination of vineyard and pasture. The irrigation system would involve a combination of drip and handline sprinklers. A three-year development schedule should be adequate to develop the project and put water to full use.

It is not anticipated that the proposed development will have any effect on other water rights or pending change applications. The change, if approved, should provide an overall net benefit to established instream flows in the basin, which is discussed in more detail below.

Figure 1: Existing and Proposed Points of Withdrawal and Places of Use

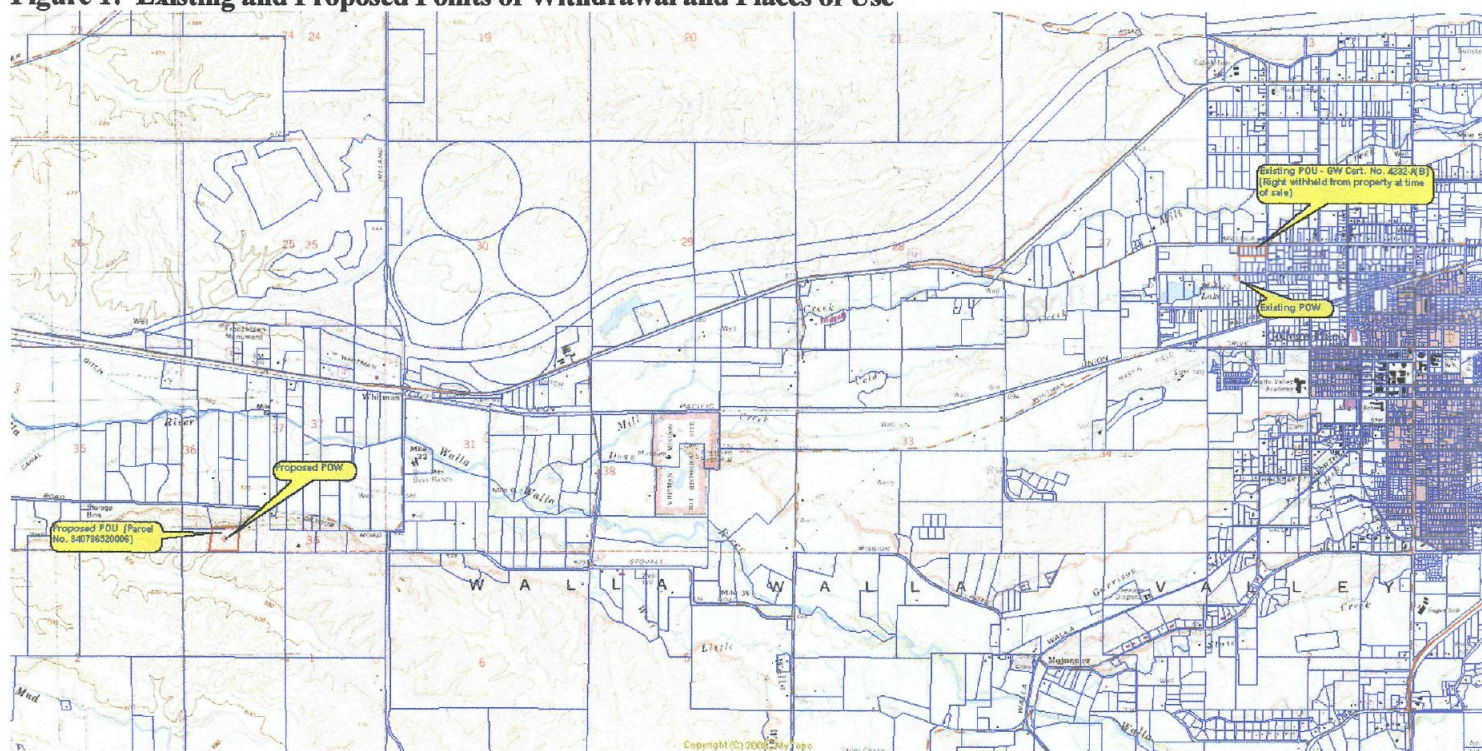


Figure 2: Existing Place of Use and Point of Withdrawal

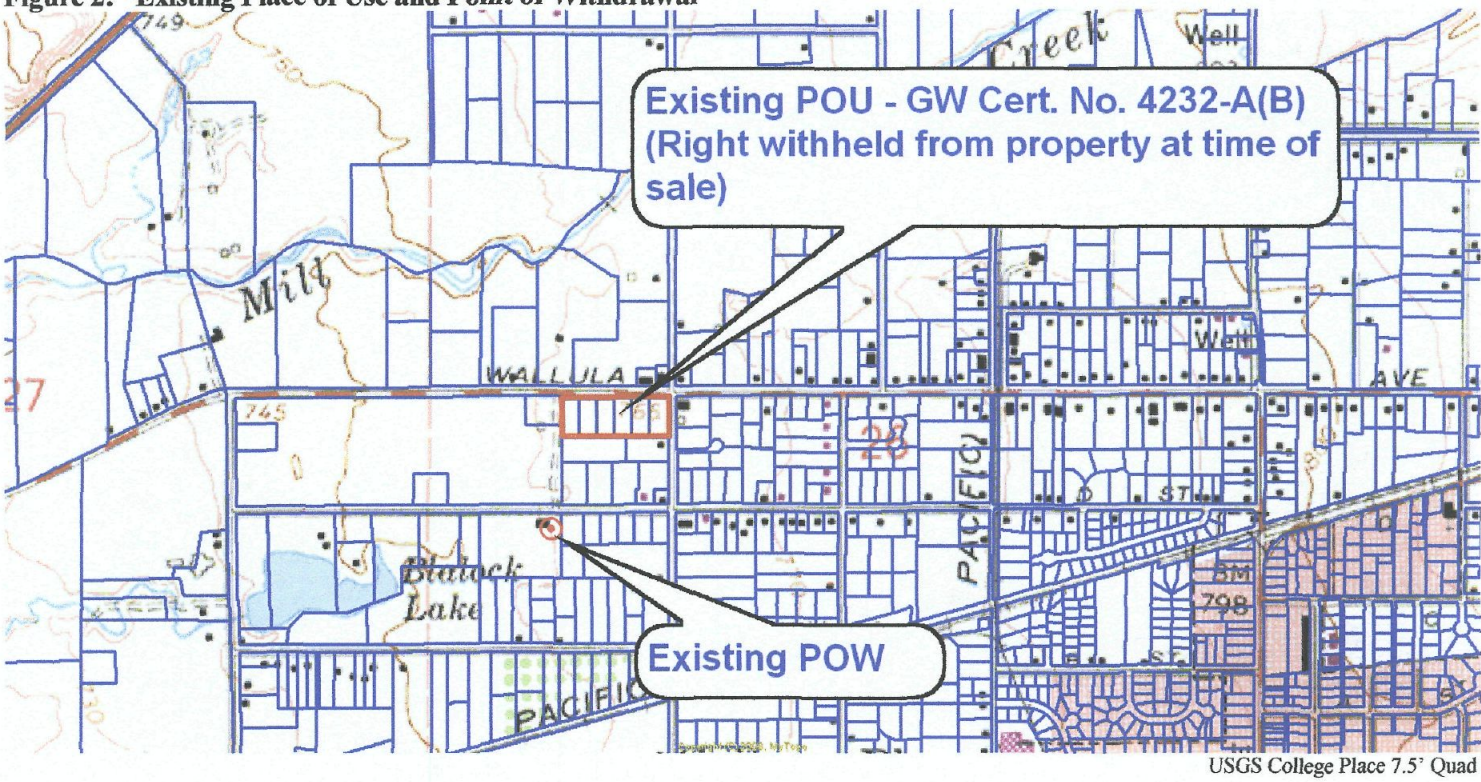
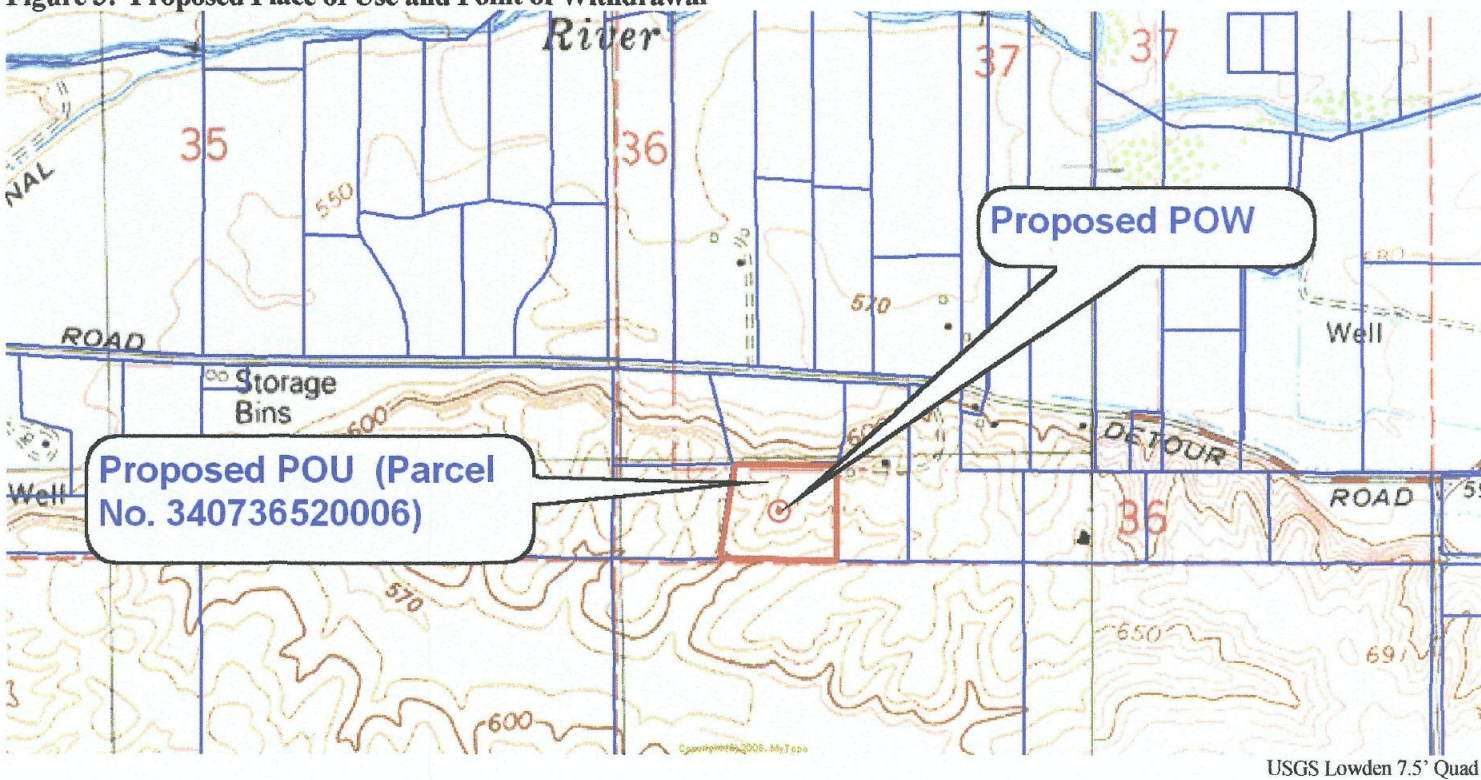


Figure 3: Proposed Place of Use and Point of Withdrawal



Other water rights appurtenant to the property (if applicable)

Existing Place of Use

There are two water rights which overlap the authorized place of use of Cert. No. 4232-A(B). Blalock Irrigation District No. 3 provides its patrons with water for irrigation purposes through a series of piped ditches and canals. The sources of water for this District are all surface water, primarily Mill Creek, and the discharge of the Walla Walla Wastewater Treatment Plant. Water from the District has historically not been utilized on the subject property, particularly since issuance of Cert. No. 4232-A, which provided a much more dependable supply of water. Access to water for the land covered by Cert. No. 4232-A(B) from Blalock Irrigation District No. 3 has been eliminated through development of the land for residential housing.

Consolidated Irrigation District No. 14 is a municipal water system that delivers water primarily for in-house residential use and irrigation of lawns and small gardens. The source of this water is deep (basalt) aquifer wells. This system has been plumbed into, and currently serves, the 6 residential homes that now existing on the subject 4.07 acres.

Proposed Place of Use

There is one existing water right which overlaps the proposed place of use. Ground Water Certificate No. 5011-A authorizes the withdrawal of water from a basalt aquifer well in the amount of 600 gallons per minute, 798 acre-feet per year, for the irrigation of 820 acres. The well authorized for use under this right is located approximately 1 mile south of the subject property. While the authorized place of use of this right does include the applicant's property, the owner/operator of the well, Ed Chvatal, indicated that water he has never delivered to this property from his well, and he is putting this right to full beneficial use on lands he owns south of the applicant's property. This being the case, there is no water available under this right for use on the proposed place of use.

The applicants also have a Certificate of Completion of Mitigation Requirement, which allows use of water from their permit-exempt well for outdoor use. This Mitigation Certificate authorizes the use of any portion of their 1250 gallon per day domestic allocation for outdoor use/irrigation. This mitigation is authorized through the amended Walla Walla Basin Water Resource Management Program, Chapter 173-532 WAC.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts to any watershed planning activities. Expressions of public interest for this proposed change potentially include: comments or protests regarding approval of the proposed change; the Walla Walla County Municipal Code; and the WRIA 32 Watershed Plan.

a. Comments/Protests: No comments or protests were received regarding potential approval of the proposed change.

b. Walla Walla County Municipal Code (Codified as Ordinance 369, November 10, 2008): The proposed change is consistent with the current zoning.

c. WRIA 32 Watershed Plan/Water Resources Program for Walla Walla River Basin, WRIA 32 – Chapter 173-532 WAC: The locally developed and approved basin watershed plan and Walla Walla Basin Water Management Rule which came out of that process expressed a desire that new water rights or changes to existing water rights not negatively impact streams, springs, or wells hydraulically connected to surface waters sources within WRIA 32. This application involves changing the place of use and point of withdrawal to an alluvial aquifer water right. The Basin Rule, WAC 173-532-040(2), explicitly finds that the gravel (alluvial) aquifers in the basin are in hydraulic continuity with surface waters of the basin, and therefore closed the gravel aquifers to new appropriations. The proposed application does not expand or otherwise enhance the quantities of water originally authorized for use under Cert. No. 4232-A(B). Furthermore, by moving the withdrawal of water approximately 5 miles downgradient, the change should provide an overall benefit to instream flows within that 5 mile reach. As such, the proposed change is consistent with the WRIA 32 Watershed Plan and Chapter 173-532 WAC, in that the proposed change should not negatively impact any surface waters, or instream flow water rights adopted by and through Chapter 173-532, in the basin.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings:

GW Cert. No. 4232-A(B) authorizes the withdrawal of 35.7 gallons per minute, 16.3 acre-feet per year, for the seasonal irrigation of 4.07 acres. For purposes of this tentative determination, each component of water use will be evaluated separately.

Instantaneous Quantity (Qi):

The well authorized for use under Cert. No. 4232-A(B) is a alluvial (gravel) aquifer well that has the capacity to pump the full 175 gallons per minute originally authorized under the undivided Cert. No. 4232-A. The last grower to farm the subject 4.07 acres pumped at an instantaneous rate of 124 gallons per minute (22 heads @ 5.65 gallons per minute per head). This well is still the authorized point of withdrawal for all the existing divided certificates. The full 35.7 gallons per minute authorized under Cert. No. 4232-A(B) is valid and available for change under this application.

Acres:

A review of Farm Service Agency records was attempted to determine the extent of acres actually irrigated under this water right, however crop records were not reported for this acreage. Aerial photos were evaluated and interviews with farmers who had cropped the subject property were conducted. No information was available that would suggest any 5 consecutive year period of non-use from 1962 (when the right was issued) to present. It was determined that a maximum of 4.07 acres were historically irrigated, and are available for consideration under the proposed change.

Annual Quantity (Qa):

The annual quantity currently authorized for use under Cert. No. 4232-A(B) is 16.3 acre-feet per year. The well authorized for use is metered, but water from the well is used over considerably more acres than those authorized under Cert. No. 4232-A(B), under differing crop scenarios. The most accurate method of determining historic beneficial use, in this case, is to calculate use based on irrigation scheduling.

A number of different crops have been grown on the subject property over the years, including onions, spinach, and most recently, turf. The highest water use crop grown was turf, which was cropped in 2006, the last crop grown on the property prior to its sale and subsequent development for housing.

Figure 4: Aerial Photo of Existing Place of Use – Pre-Development (Photo Date: June 30, 2006)



Mr. Joe Gugamelli, who managed the turf crop for that year, was contacted regarding his irrigation schedule for this crop. Mr. Gugamelli provided the following information regarding his irrigation scheduling for turf:

- Generally 3-hour set times, twice a week
- When hot, uses 4 hour sets, twice a week
- Sprinklers had 5/32nd inch nozzles, with approximately 60 psi discharge pressure
- Sprinklers were run on a 40 x 40 sprinkler head/riser spacing
- Irrigation would run from March through October

A 5/32 nozzle with 60 psi discharge will yield 5.65 gallons per minute. With 40 x 40 foot spacing, a 5.65 gpm nozzle will discharge at a rate of 0.34 inches/hr. Assuming a maximum of 4 3-hour sets per month for March, April and May (36 hrs), 8 3-hour sets for June, September and October (72 hours), and 8 – 4 hour sets a month July and August (64 hours), results in total run-time of 172 hours. A total annual run time of 172 hours at 0.34 inches per hour produces a total of 58.5 inches of water, or 4.87 acre-feet per acre.

For comparison purposes, the State of Washington Irrigation Guide recommends an allocation of 4.15 acre-feet per acre for turf in the Walla Walla area, using a 70% efficiency factor.

It should be noted that while this property is within the service area of Blalock Irrigation District No. 3, no water has been used from the District on these lands for an extended period of time, and access to the District water has been removed with development of the homes on these 4.07 acres.

Table 1: Annual Quantity/Acre-Feet Comparisons for 4.07 Acres			Total (per-acre)
	Certificate	Wash. St. Irr. Guide*	Actual Use (Irr. Scheduling)
GW 4232-A(B)	16.3 (4.00)	16.89 (4.15)	19.82 (4.87)

* For turf/pasture in Walla Walla, assumes 70% system efficiency

It would appear, therefore, that the full annual quantity of water has been beneficially used under Ground Water Certificate No. 4232-A(B). The entire 4.07 acres have been irrigated, and the maximum instantaneous quantity of 35.7 gallons per minute has been applied to these lands, and the annual quantity allocated under the water right has potentially been exceeded in the most recent use. While that quantity of water used in excess of that authorized may have been put to beneficial use, it nonetheless is not authorized for use under Cert. No. 4232-A(B) and therefore no credit can be given for that use. The annual quantity of water determined to be valid and beneficially used on these 4.07 acres is 4.0 acre-feet per acre, or 16.3 acre-feet per year.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

Both the existing and proposed points of withdrawal for this change application are located within the Walla Walla Basin, a hydrologic sub basin of the Columbia Plateau. This basin developed as a structural trough within the Columbia River Basalt Group that was later overlain by unconsolidated sediments (See Attachment “A”). The lowermost sediment unit is referred to as the “blue clay” which rests directly on the basalt basement rock. Directly overlying the “blue clay” and interfingering with it, is the gravel unit. The various unconsolidated gravels serve as the aquifer material which forms the uppermost, unconfined, water table aquifer. Aquifers are also present within the consolidated, Tertiary-aged, Columbia River Basalt Group. These predominately confined basalt aquifers are separated from the gravel aquifer by the “blue clay” unit.

Information from well drilling logs throughout the basin indicates that the gravel aquifer is generally unconfined. Long-term water level measurements (on the order of half a century) collected by both the USGS and the Oregon Water Resources

Program indicate that the gravel aquifer is experiencing a slow, gradual decline in the water table surface. This is occurring on top of the seasonal variation in water level that typically occurs in unconfined aquifers.

The well currently authorized for use was completed in May of 1962. The construction log indicates the well penetrated layers of soil, clay and gravels to a total depth of 28 feet. The well had a measured static water level of 7.5 feet below land surface May 12, 1962. This well is located within the SW¼ of Sec. 26, T. 7 N., R. 35 E.W.M.

The proposed new well has not yet been constructed. The applicants do have an existing permit-exempt well that is used for domestic supply and irrigation of landscaping. This well was completed in July of 2009. The construction log shows the well penetrating layers of soil, sand, silt, clay and gravel to a depth of 206 feet below ground surface. The well had a static water level of 105 feet below the top of the well as measured on July 7, 2009. The well was tested at a pumping rate of 25 gallons per minute with 45 feet of drawdown after 7 hours. The well recovered to its original static water level within 10 minutes.

The applicants propose to drill a separate irrigation well in the vicinity of this domestic well, provided this application is approved. They expect the well to be completed to a similar depth, but perhaps be of larger diameter, to the existing domestic well. This proposed new well will be completed into, and withdraw water from, the same body of public ground water as the current well authorized for use under GW Cert. No. 4232-A(B). It is also noted that the proposed new well is located approximately 5 miles southwest, or downgradient, from the existing well.

Statutory Requirements

Applications for change of ground water rights permits and certificates and claims are governed by RCW 90.03.380, and RCW 90.44.100, which state in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued only on the conditions that:

- The change must not cause detriment or injury to existing rights;
- A valid right/claim exists that is eligible to be changed;
- The change shall not allow for the enhancement of the right perfected under the original certificate
- An additional or new well shall withdraw water from the same source as the original
- The proposed change would not be detrimental to the public welfare.

No Detriment/Impairment to Existing Rights:

"Impair" or "impairment" means to: 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200), and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The proposed change in point of withdrawal/place of use will not change the quantities of water pumped, or area of land irrigated, and water will be withdrawn from the same alluvial aquifer. A review of the Ecology well log database shows 50 wells within approximately 1 mile of the proposed new well. All but 3 of these wells are completed into the gravel aquifer, completed to depths ranging from 15 feet to 232 feet below land surface. The large majority of the wells that are still in service are used for domestic supply and small scale irrigation. The nearest wells to that proposed are those drilled on neighboring lots within the same Miller Butte Estates development.

While there are numerous other gravel aquifer wells in the vicinity of the proposed well, there are no known instances of conflict regarding use of water from shallow aquifer pumping in this particular area, and the capacity of the gravel aquifer in this area is such that the change in pumping of a proposed total of 35.7 gallons per minute should not create any impairment to existing shallow aquifer wells in the area. It is also noted that this is not a new appropriation, but rather a change in point of withdrawal for quantities that have historically been pumped from the same aquifer. The proposed well is located approximately 5 miles to the southwest, or downgradient, of the existing well, which should result in an overall benefit to instream flows over that distance.

No Enhancement of the Original Right:

The quantities of water pumped/acres irrigated under GW Cert. No. 4232-A(B) would not change through approval of this application. The quantities authorized through approval of this change would be consistent with the quantities of water beneficially use and the number of acres actually irrigated historically. The purpose of use of the water right, irrigation, will not change, and the season of use will remain consistent with the historical use of water. The proposed change will not enhance the original right.

A Valid Right Exists that is Eligible to be Changed:

For purposes of acting on the subject application, a tentative determination as to the extent and validity of the subject water right was completed. The quantities of water determined to have been put to historic beneficial use, and are valid and available for the changes requested under this application are 35.7 gallons per minute, 16.3 acre-feet per year, for the seasonal irrigation of 4.07 acres.

Same Source of Water:

The proposed point of withdrawal will withdraw water from the same shallow, unconfined alluvial gravel aquifer as the original well. The proposed well withdraws water from the same body of public ground water as the original well.

No Detriment to Public Welfare:

There are no findings in this investigation to indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.

The information or conclusions in this section were authored and/or developed by Bill Neve of Water Right Solutions.

CONCLUSIONS

Tentative determination (validity and extent of the right)

A tentative determination as to the extent and validity of the subject right results in the following: 35.7 gallons per minute, 16.3 acre-feet per year, for the seasonal irrigation of 4.07 acres. The season of use for this right is the irrigation season, which for this area normally encompasses March through November.

Relinquishment or abandonment concerns

The last use of water under this water right was during the 2007 irrigation season. However, the right was placed in the Walla Walla Watershed Management Partnership Water Bank in September of 2010, which effectively “stopped the relinquishment clock” from the time it was accepted into the bank. A review of available records related to the historical beneficial use of water under this right suggests that the maximum instantaneous rate, annual quantity, and irrigated acres have been fully exercised without relinquishment under Chapter 90.14 RCW, nor are they subject to common law abandonment.

Hydraulic analysis

The hydraulic analysis for this proposed change indicates that: (1) Both the existing and proposed wells are completed into, and withdraw water from, the upper, unconsolidated alluvial gravel aquifer, and (2) Both wells withdraw water from the same body of public groundwater.

Consideration of comments and protests

Public notice of the application was published in the Waitsburg Times on July 18th and 26th, 2012. No comments or protests were received within the 30-day protest period, or subsequent to that. Likewise, no comments or objections regarding this application were received at open public meetings of the Board.

Impairment

There is no evidence that the change in point of withdrawal and in place of use to Ground Water Certificate No. 4232-A(B) will impair any existing rights, including instream flows established in rule (Chapter 173-532 WAC). The subject change should actually be beneficial to instream flows due to the fact that the proposed well is approximately 5 miles downgradient from the existing well.

Public Interest

There is no evidence that the proposed change in point of withdrawal and place of use would be detrimental to the public interest. The proposed change is consistent with WAC 173-532 (Water Resources Program for the Walla Walla River Basin, WRIA 32) and RCW 90.54 (Water Resources Act of 1971), the Walla Walla County Municipal Code, and the Walla Walla Basin Watershed Plan (2005).

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.

DECISION

Applications for change of ground water rights permits and certificates and claims are governed by RCW 90.03.380 and RCW 90.44.100, which state in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued only on the conditions that:

- The change must not cause detriment or injury to existing rights;
- A valid right/claim exists that is eligible to be changed;
- The change shall not allow for the enhancement of the right perfected under the original certificate
- An additional or new well shall withdraw water from the same source as the original
- The proposed change would not be detrimental to the public welfare.

It is the conclusion of the Walla Walla County Water Conservancy Board that, in accordance with RCW 90.44.100: (1) the proposed change in point of withdrawal and place of use will not impair existing rights, including instream flows established through Chapter 173-532 WAC; (2) a valid right exists and is eligible to be changed to the extent the right has been put to historic beneficial use, as summarized above; (3) that the change will not expand or enhance the right which was perfected under the original certificate; (4) that the proposed new point of withdrawal will withdraw water from the same body of public ground water as the original well, and (5) the proposed changes will not be detrimental to the public welfare.

The requested changes in point of withdrawal and place of use to Ground Water Certificate No. 4232-A(B) are approved, subject to the provisions and conditions listed below.

The information or conclusions in this section were authored and/or developed by Bill Neve of Water Right Solutions and members of the Walla Walla County Water Conservancy Board.

PROVISIONS

Conditions and limitations

Wells, Well Logs and Well Construction Standards

1. All wells constructed in the State shall meet the construction requirements of Chapter 173-160 WAC entitled *Minimum Standards for the Construction and Maintenance of Wells* and Chapter 18.104 RCW titled *Water Well Construction*.
2. The water user is required to maintain an access port to measure water levels within the authorized wells, as described in Ground Water Bulletin No. 1. An airline and gage may be installed in addition to the access port.
3. If/when any of the authorized wells are modified or replaced, a completed well report of the well(s) shall be submitted by the driller to the Department of Ecology within 30 days of completing the construction or modifications authorized herein. All pump test data for the (s) shall be submitted to the Department as it is obtained.
4. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Measurements, Monitoring, Metering and Reporting

5. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements"
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
6. Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.
7. Reported water use data shall be submitted via the Internet or by using the enclosed forms. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need additional forms, contact the Eastern Regional Office.
8. A future Superseding Certificate for Ground Water Certificate No. 4232-A(B) will not be issued until evidence of meter installation has been submitted to the Department of Ecology.

Quantity Limits, Flow and Regulation

9. The quantities of water herein authorized for withdrawal are issued less any quantities of water beneficially used on these same lands under existing rights.

Schedule and Inspections

10. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.
11. The water right holder shall file the notice of project completion when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The superseding certificate will reflect the extent of beneficial use within the limitations of the change authorization. Elements of the project completion inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and compliance with provisions.
12. A final water superseding certificate will not issue until a final examination is made.

General Conditions

13. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
14. Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.
15. This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Native Americans under Treaty or otherwise.
16. The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop(s) grown on the number of acres and the place of use specified.

Mitigation (if applicable)

N/A

Construction Schedule

A three year development schedule should be sufficient to install the system infrastructure (well, mainline, distribution lines, meter) and put water to full use. The project development should begin by October 1, 2013, construction should be completed by October 1, 2014, and water should be put to full use by October 1, 2014.

Other

N/A

The information or conclusions in this section were authored and/or developed by Bill Neve of Water Right Solutions.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Walla Walla, Washington
This 3rd day of October, 2012

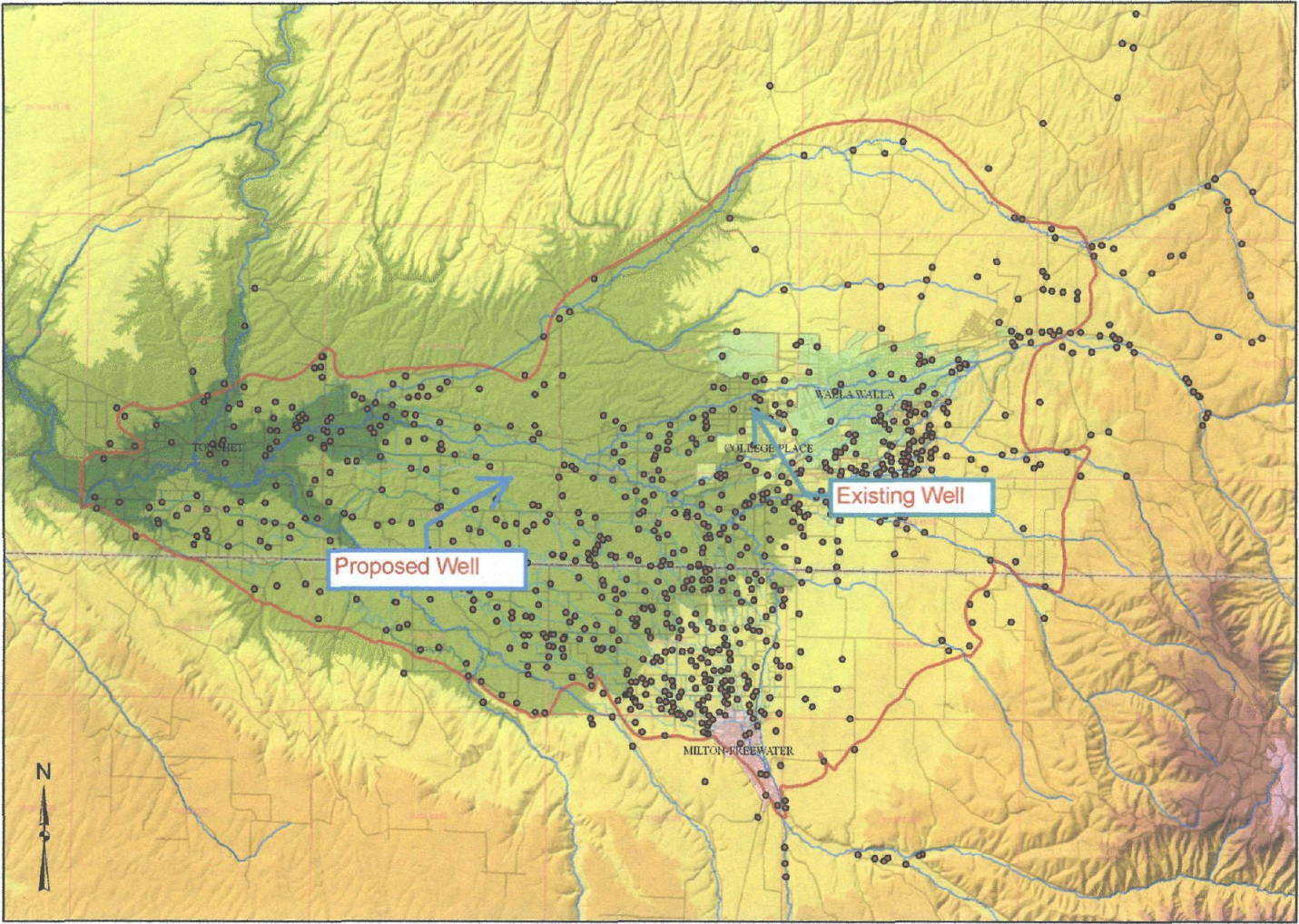


Alan Kottwitz, Board Representative
Walla Walla County Water Conservancy Board

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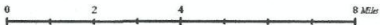
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Attachment A: Extent of Alluvial (Gravel) Aquifer in the Walla Walla River Basin (Boundary outlined in red)



- Legend**
- Well Locations
 - ▭ Alluvial Aquifer Boundary
 - ▭ Township/Range
 - ▭ State Boundary
- Towns**
- College Place
 - Milton-Freewater
 - Walla Walla

Well Locations and Shaded Relief
of the Walla Walla Basin
(Plate 1)



Scale = 1:215,000
 Projection: NAD 83 UTM Zone 11N
 Produced by the Walla Walla Basin
 Watershed Council

